

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Greg Volgas et al.

Group Art Unit: 1616

Serial No. 09/916,611

Filing Date: July 27, 2001

Examiner: Pryor, Alton Nathaniel

For: Manufacture And Use Of A  
Herbicide Formulation

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF****I. THE REAL PARTY OF INTEREST**

Helena Chemical Company is the real party of interest. The application was assigned and recorded on July 27, 2001, on Reel No. 012041 and Frame No. 0434.

**II. RELATED APPEALS AND INTERFERENCES**

The undersigned is not aware of any related appeals or interferences involving this application.

**III. THE STATUS OF THE CLAIMS**

Claims 1-91 are pending. Claims 3-7, 10, 13-17, 20-27, 30-32, 34-36, 41-43, 50-52, 54-65, 67, 68, 70, 71, 73, 82-85 and 91 are withdrawn from consideration. The subject of the appeal are claims 1, 2, 8, 9, 12, 18, 19, 28, 29, 33, 37-40, 44-49, 53, 66, 69, 72, 74-81 and 86-90 which are attached in Appendix I. Upon preparing the Appeal Brief the applicants noticed a couple minor typographical errors with respect to the claims (see

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**XI. CONCLUSION**

It is believed that the claims define an invention which is new, useful, and unobvious. For the above reasons, the applicants request passage to allowance. This brief is being submitted in triplicate. The PTO is authorized to charge Deposit Account No. 03-2775 the amount of \$330.00. The Notice of Appeal was filed on April 22, 2004. It is believed that no extensions are required.

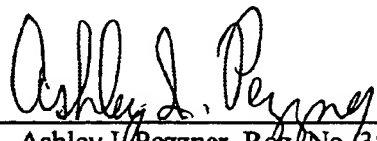
However, in the event that the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully petitioned for, and the Commissioner is hereby authorized to charge the account of the undersigned attorneys, Patent Office Deposit Account No. 03-2775, for any fees which may be due upon the filing of this paper.

**The applicants again respectfully request that the previously submitted disclosure statement mailed on October 13, 2003, prior to the final office action, be made of record.**

**In addition, the applicants note that if the elected claims are determined allowable, the non-elected claims would also be allowable, because the non-elected claims are dependent claims which require all the features of the independent claims. The non-elected claims should be rejoined.**

Respectfully submitted,

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